

[Click here and type address]

10/042,678

571-272-1139

To: PTO EXR. C. COOLEY

Fax: 571-272-1139

From: A.R. Eglinton

Date: 22 June 2004

Re: EXD. 10/042,678

Pages: Seven

cc: Client

☐ Urgent

☐ For Review

☐ Please Comment

☒ Please Reply

☐ Please Recycle



IN FOLLOW-UP TO THE REPLY BRIEF MAILING OF 19 APRIL 2004, THE ATTY OF RECORD A.R.EGLINGTON PHONE CONTACTED PRO EXR COOLEY @ 571-272-1139 TO CONFIRM THAT THE PACKET RESPONDING TO THE NOT. OF NON COMPLIANT AMEND., RECEIVED HERE ON 4/16/04 HAD INFACIT REACHED THE DESK OF THE EXR.

HE REPLIED IN THAT TELECHAT OF 6/22/04 THAT IT HAD NOT & SUGGESTED THAT A DUPLICATE PACKET BE FAXED TO HIM AT THE # ABOVE, AND SUCH IS ENCLOSED. IT COMPRISES THE REPLY BRIEF OF 19 APRIL, THE UPDATED CLAIM SET, A COPY OF THE OIPE LETTER AND POSTAL CARD RETURNABLE RECEIPT. THAT POSTAL CARD RECEIPT HAS NOT BEEN YET RECEIVED. NOTE FURTHER THAT THE REPLY BRIEF HAS A SIGNED CERT. OF MAILING APPENDED TO PAGE TWO THEREOF. THE FATE AT THE PTO OIPE IS PRESENTLY UNKNOWN, BUT EXR CH. COOLEY IS BEING BROUGHT UP TO DATE PER THIS SUBMISSION.

A. R. Eglinton 570-385-5021  
Reg # 19,868

A12

10/042, 678

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

*corrected CC*

Applicants:	SCHAEFFER, HAROLD L., et al	Group Art Unit:	1723
Serial No.:	<del>10/042,687</del> 10/042, 678	Docket No.:	Techpro #1-2-2
Filed:	January 11, 2003	Conf. #:	7412:
Mark:	UPSTREAM PNEUMATIC VISCO SEAL ASSEMBLY	Examiner:	Cooley, Charles E. (703) 308-0661 X (571) 272- 1139

## REPLY TO NOTICE OF NONCOMPLIANT AMENDMENT (37 C.F.R. §1.21)

Commissioner for Patents  
ATTN: Legal Instruments Examiner (unreadable) Phone: (571) 272-1059  
P.O. Box 1450  
Alexandria, VA 22313-1450

Official  
FAX Received  
22 Jun 2004

Sirs:

*No fees due - copy of lost original mailed 4/19/04 C. Cooley*

This response to the above Notice, mailed 04/14/04, in this Office-mislaidd substantive response first filed on November 19, 2003, the timely deposit of which was acknowledge by postal card return receipt recently faxed to the PTO with a reply.

Preamble

The irregular handling of the Applicant's timely response of November 19, 2003 needs some explanation so as to understand the presnt 04/14/04 Notice calling for an amended claim 8, added annotation and further incidental amendment.

9/11/03: Applicant filed a reply package including the substantive reply brief, an amended set of claims; a rider to specification marked test; a rider to specification clean text; and transmittal form for corrected drawing of three sheets.

Early April 2004: Upon non-receipt of an Examiner action to the above submission, the Attorney-of-Record contacted the assigned PTO Examiner. He learned that the submission had never reached the application filed earlier despite the deposit in OIPA which was apparently not

passed on in Art Unit 1723. As then advised by Examiner Cooley, the entire package of almost 40 pages was faxed to PTO #703-872-9306 on or about 04/07/04. PTO receipt thereof was acknowledged by two "auto-reply facsimile transmissions" to the attorney's fax number (570) 385-5021.

04/10/04: The duplication by fax of the of-record brief of last November generated the current PTO Notice of a technically noncompliant amendment, which calls for rectification in that "Claim 8 has incorrect status identified. Should be one or the other not both. (original or withdrawn)."

04/2004: Applicants responds to the latest PTO Notice with an amended "Rider CL" to Examined USN/04 of 01/1102, which new rider reflects that original Claim 8 is withdrawn, also independent Claim 1 is also correctly characterized as to status. The complete corrected Rider CL is submitted for the convenience of the Examiner.


With the mislaid response now brought up to date, the forwarding to Art Unit 1723 for reconsideration is respectively solicited.

Date: April 19, 2004

cc: Client

Enclosures: Copy of PTO Notice of 04/14/04  
Applicant's updated Rider CL ( 3 pages)  
Fax re: transmittal sheet for the Office misplaced  
documents of last November 19, 2003

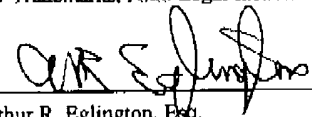
Very truly yours,

  
Arthur R. Eglington  
113 Cross Creek Drive  
Chestnut Hill, R.D. 5  
Pottsville, PA 17901  
(570) 385-5021  
Reg. No.: 19,868

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Certified Mail in an envelope addressed to: Assistant Commissioner For Trademarks, Attn: Legal Instruments Examiner, P.O. Box 1450, Arlington, VA 22313-1450, on April 19, 2004.

Date: Apr 19, 2004

  
Arthur R. Eglington, Esq.